

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GARY L. NAPIER, JR.,

Defendant.

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CASE NO. 8:04CR316

**MEMORANDUM
AND ORDER**

This matter is before the Court on the Defendant's motion to amend the Judgment (Filing No. 210).

The Defendant requests that the Judgment be amended to reflect that Count V of the Indictment, to which the Defendant pleaded guilty, relates to a handgun and not a machine gun as stated in the Judgment. Correction of the error is proper pursuant to Federal Rule of Criminal Procedure 36.

IT IS ORDERED:

1. The Defendant's motion to amend the Judgment (Filing No. 210) is granted;
and
2. An amended Judgment will be issued correcting the error.

DATED this 31st day of August, 2005.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge